



THE ATTORNEY GENERAL
OF TEXAS

JIM MATTOX
ATTORNEY GENERAL

December 17, 1990

Mr. Leonard W. Peck, Jr.
Assistant General Counsel
Texas Department of Criminal Justice
Institutional Division
P.O. Box 99
Huntsville, Texas 77342-0099

OR90-576

Dear Mr. Peck:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 10101.

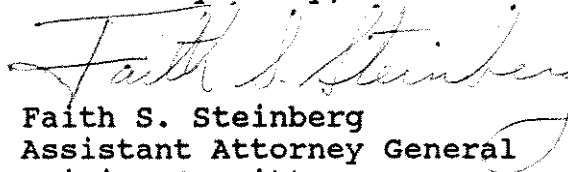
An inmate wishes to review all rules, procedures, and policies comprising the transportation policy of the Institutional Division of the Texas Department of Criminal Justice. We have considered the exception you claimed, section 3(a)(8) specifically, and have reviewed the document you have submitted to us as responsive to the request. As stated in Open Records Decision No. 531 (1989), "[t]he Texas Supreme Court has held that section 3(a)(8) applies to information held by a law enforcement agency if release 'will unduly interfere with law enforcement and crime prevention.'" Open Records Decision No. 531 at 2, citing Ex Parte Pruitt, 551 S.W.2d 706, 710 (Tex. 1977). Open Records Decision No. 531 held that portions of a police manual detailing guidelines on the use of force were protected under this exception because "knowledge of these detailed guidelines would place an individual at an advantage in confrontations with police officers and would increase his chances of evading arrest or injuring the officer or other persons." Id. at 3. Similarly, you assert that release of the subject document, the Transportation Policy and Operations Manual, would provide "information on searching standards, communications, use of weapons, and other routine procedures" and would thus "be of great value to inmates and their associates who wish to evade our security system in some way."

We agree that virtually all of the document is protected under section 3(a)(8), as its release would unduly

interfere with law enforcement. However, we believe that there are entire sections of the manual that neither provide nor are inextricably intertwined with protected information, e.g., policies 01.001.89 through 01.005.89. We have marked such sections, and they must be disclosed.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR90-576.

Yours very truly,


Faith S. Steinberg
Assistant Attorney General
Opinion Committee

FSS/le

Ref.: ID# 10101, 10131

Enclosure: Open Records Decision No. 531

cc: Mr. Michael Schneider
TDCJ #296468
Goree Unit
P.O. Box 38
Huntsville, Texas 77344